

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

#### **MEMORIAL RESOLUTION**

**S.R. 96** - By Sims: In memory of Frank A. Martinez of San Angelo.

#### **CONGRATULATORY RESOLUTIONS**

**S.R. 95** - By Brown: Extending congratulations to Kirby Krause for his loyalty to the Knights of Columbus.

**S.R. 97** - By Zaffirini: Extending congratulations to Cub Scout Pack Number 201 of the United Day School in Laredo.

#### **ADJOURNMENT**

On motion of Senator Brooks, the Senate at 11:49 a.m. adjourned until 11:00 a.m. tomorrow.

#### **APPENDIX**

Signed by Governor  
(February 6, 1989)

**H.C.R. 9**

#### **ELEVENTH DAY**

(Thursday, February 9, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent: Santiesteban.

Absent-excused: Dickson.

A quorum was announced present.

Pastor James W. Clark of Calvary Baptist Church, Seagoville, Texas, offered the invocation as follows:

To the God of all this universe, to the One who has set all authorities and power in place we give praise and honor on this morning. We thank You that we have the glorious privilege of living in the great State of Texas. We thank You for these individuals who have come to govern this State, and we pray that this morning You would give them wisdom, that You would give them insight and that You would give them vision into all the business that is to be conducted today. Father, we pray that even as we conduct business You would remind us of Your love and Your grace, that we would seek Your mercy, that we would seek Your presence. We pray, Lord, that You would find here a place to be comfortable, a Senate that respects

You, appreciates You and welcomes Your presence throughout this day. We thank You, Father, for Your love. We thank You that we are Your children. In the name of Christ Jesus. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### **LEAVE OF ABSENCE**

Senator Dickson was granted leave of absence for today on account of important business on motion of Senator Haley.

#### **CO-AUTHOR OF SENATE BILL 234**

On motion of Senator Green and by unanimous consent, Senator Henderson will be shown as Co-author of S.B. 234.

#### **CO-AUTHORS OF SENATE BILL 429**

On motion of Senator Glasgow and by unanimous consent, Senators Barrientos and Farmer will be shown as Co-authors of S.B. 429.

#### **CO-AUTHOR OF SENATE BILL 338**

On motion of Senator Caperton and by unanimous consent, Senator Zaffirini will be shown as Co-author of S.B. 338.

#### **CO-AUTHOR OF SENATE JOINT RESOLUTION 11**

On motion of Senator McFarland and by unanimous consent, Senator Johnson will be shown as Co-author of S.J.R. 11.

#### **CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 32**

On motion of Senator Brooks and by unanimous consent, Senator Farmer will be shown as Co-author of S.C.R. 32.

#### **CO-AUTHOR OF SENATE RESOLUTION 99**

On motion of Senator Uribe and by unanimous consent, Senator Johnson will be shown as Co-author of S.R. 99.

#### **MESSAGE FROM THE HOUSE**

House Chamber  
February 9, 1989

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 75, Proclaiming February 14 and 15, 1989, as Marshall Days in Texas.

S.C.R. 34, Recognizing February 4, 1989, as National Women in Sports Day.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate the following enrolled resolutions:

S.C.R. 29  
H.C.R. 11  
H.C.R. 37

**REPORTS OF STANDING COMMITTEES**

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

S.B. 326  
C.S.S.B. 5

Senator Montford submitted the following report for the Committee on State Affairs:

S.R. 2 (Amended)  
S.C.R. 15  
S.B. 162  
C.S.S.B. 69

Senator Edwards submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and report them back to the Senate for final consideration.

To be Members of the TEXAS BOARD OF HUMAN SERVICES: Maurice Lee Barksdale, Tarrant County; David Herndon, Travis County; Glenn McMennamy, Potter County; Mrs. Ida Kern Papert, Dallas County.

To be Members of the TEXAS NATIONAL RESEARCH LABORATORY COMMISSION: Perry R. Bass, Tarrant County; Jack W. Evans, Dallas County; Peter O'Donnell, Jr., Dallas County.

To be a Member of the AIR CONDITIONING AND REFRIGERATION CONTRACTORS ADVISORY BOARD: George William Carpenter, Lubbock County.

To be Members of the TEXAS COMMISSION ON THE ARTS: Ms. Alice Carrington, Bexar County; Robert Livingston Gerry, Harris County; Mrs. Mary Ellen Mitchell Jericho, Dallas County; Rollin Khoury, McLennan County; Mrs. Adair Wakefield Margo, El Paso County; Mrs. Martha Williams Morriss, Bowie County; Mrs. Frances Annette Strake, Harris County.

To be Members of the STATE BOARD OF BARBER EXAMINERS: William Earl Maddox, Travis County; Mrs. Santa Robles Morales, Cameron County.

To be BRANCH PILOT FOR THE PORT ARANSAS BAR, CORPUS CHRISTI BAY AND TRIBUTARIES: Captain Robert Hans Jorgensen, Nueces County.

To be BRANCH PILOTS FOR SABINE BAR, PASS AND TRIBUTARIES: Captain Jerry J. McNeil, Orange County; Captain Phillip C. Smith, Jefferson County.

To be Members of the TEXAS COSMETOLOGY COMMISSION: Ms. Lois Miriam Cohen, Palo Pinto County; Ms. Evelyn Aileen Hunter, Dallas County.

To be Members of the DAIRY ADVISORY BOARD: Ben Harvey Long, Jr., Parker County; Harvey Lee Richards, Cameron County.

To be Members of the TEXAS BOARD OF EXAMINERS IN THE FITTING AND DISPENSING OF HEARING AIDS: Mrs. Florence Pringle Anderson, Bexar County; Mrs. Suzanne Elizabeth Brennan, Harris County; Andrew Louis Burns, Jr., Bowie County; Wallace Hamill, Dallas County; Dr. Richard L. Riess, Brazos County.

To be Members of the TEXAS BOARD OF IRRIGATORS: Col. Frederick T. Abt, Bexar County; William Edward Petty, Sr., Smith County; Daniel J. Romo, Webb County.

To be JUDGE OF THE 290TH JUDICIAL DISTRICT COURT, BEXAR COUNTY: Judge Sharon S. MacRae, Bexar County.

To be NONRESIDENT VIOLATOR COMPACT ADMINISTRATOR: Calvin Michael Anderson, Travis County.

To be Members of the TEXAS STATE BOARD OF PLUMBING EXAMINERS: Gerald Leslie Harris, Fort Bend County; Allison Rutherford Smith, Kerr County; William Geoffrey Wheeler, Victoria County.

To be Members of the STATE SEED AND PLANT BOARD: Kenneth Boatwright, Lee County; Gary T. Ivey, Crosby County; Dr. David Edward Koeppe, Lubbock County; Edward C. A. Runge, Brazos County; Keneal Swenson, Jr., Lubbock County; Benito Trevino, Jr., Starr County.

RETURNED TO SENATE, NO RECOMMENDATION:

To be a Member of the BOARD OF REGENTS, THE UNIVERSITY OF TEXAS SYSTEM: Chester R. Upham, Jr., Palo Pinto County.

#### SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

**S.B. 426** by Edwards Health and Human Services  
Relating to the establishment of the office of the long-term care ombudsman in the Texas Department on Aging; providing a criminal penalty.

**S.B. 427** by Edwards Jurisprudence  
Relating to solicitations made in the name of law enforcement personnel; providing penalties.

**S.B. 428** by Sims Finance  
Relating to an emergency appropriation to the Department of Agriculture for agricultural production statistics.

**S.B. 429** by Glasgow, Caperton, Brown, Parker, Barrientos, Criminal Justice  
Harris, McFarland, Washington  
Relating to the creation of the offense of soliciting, accepting, or agreeing to accept a benefit or offering, conferring, or agreeing to confer a benefit as an inducement to enroll in an institution of higher education and to participate in intercollegiate athletics.

**S.B. 430** by Harris Economic Development  
Relating to the establishment of rates and charges to be assessed by motor bus companies; providing penalties.

- S.B. 431** by Lyon Jurisprudence  
Relating to the authority of a law enforcement officer commissioned by the Department of Public Safety to wear the officer's state-issued uniform while providing law enforcement services for compensation for entities other than the department.
- S.B. 432** by Lyon Jurisprudence  
Relating to the right of a commissioned officer of the Department of Public Safety to engage in certain off-duty activities.
- S.B. 433** by Green Education  
Relating to an exemption from tuition and fees for certain fire fighters and peace officers enrolled in certain degree programs at public institutions of higher education.
- S.B. 434** by Green Economic Development  
Relating to an inactive status option for persons regulated by the Texas Real Estate Commission.
- S.B. 435** by Green Health and Human Services  
Relating to the detection, prevention, reporting, and control of communicable diseases.
- S.B. 436** by Carriker Economic Development  
Relating to the application of the Texas Unemployment Compensation Act to real estate licensees and instructors.
- S.B. 437** by Montford Jurisprudence  
Relating to deceptive trade practices and consumer protection.
- S.B. 438** by Armbrister Jurisprudence  
Relating to juvenile probation personnel employed by a political subdivision of the state.
- S.B. 439** by Armbrister Criminal Justice  
Relating to the distribution of restitution to a victim of an offense if the restitution is made as a condition of probation.
- S.B. 440** by Armbrister Criminal Justice  
Relating to a defendant's waiver of a probation revocation hearing.
- S.B. 441** by Armbrister Criminal Justice  
Relating to the Advisory Committee on Probation Department Management to the Texas Adult Probation Commission.
- S.B. 442** by Johnson Economic Development  
Relating to a contract to purchase a timeshare interest.
- S.B. 443** by Johnson State Affairs  
Relating to the establishment of branch absentee polling places in certain elections.
- S.B. 444** by Armbrister Health and Human Services  
Relating to coding of certain plastic containers to facilitate recycling; providing a civil penalty.
- S.B. 445** by Edwards State Affairs  
Relating to use of public roads, streets, and waters by telegraph companies.
- S.B. 446** by Tejeda Intergovernmental Relations  
Relating to the authority of the commissioners court of a county to regulate sight distance along county roads; providing a criminal penalty.

S.R. 99 by Uribe, Harris, Johnson,  
Truan, Washington

State Affairs

Requesting that the Senate, in considering for confirmation to any position an individual nominated by the Governor, review prior appointments to similar positions and examine them for the extent to which they represent the racial and ethnic composition and the geographic and economic diversity of the State.

#### GUEST PRESENTED

Senator Krier was recognized and presented Dr. Leonel Reyes of San Antonio.

The Senate welcomed Dr. Reyes, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for his contributions today.

#### GUESTS PRESENTED

Senator Barrientos was recognized and introduced a delegation from the Ben Hur Shrine Temple of Austin.

At the President's request, Senator Barrientos escorted these guests to the President's Rostrum.

The President presented to them an enrolled copy of S.C.R. 29, adopted by the Senate on January 31, 1989, declaring February 5-11, 1989, as Burn Awareness Week in Texas.

#### MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas  
February 9, 1989

TO THE SENATE OF THE SEVENTY-FIRST LEGISLATURE, REGULAR SESSION:

On January 23, 1989, I nominated Mr. Chester R. Upham, Jr. of Mineral Wells for appointment to The University of Texas System, Board of Regents for a term to expire February 1, 1995. Mr. Upham has asked that his name be withdrawn; therefore, I request that the Senate return the appointment to this Governor.

Respectfully submitted,  
/s/W. P. Clements, Jr.  
William P. Clements, Jr.  
Governor of Texas

#### NOMINATION RETURNED

On motion of Senator Edwards and by unanimous consent, the Senate agreed to grant the request and return to the Governor the nomination of Chester R. Upham, Jr., to be a member of the Board of Regents, The University of Texas System.

#### MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
February 9, 1989

TO THE SENATE OF THE SEVENTY-FIRST LEGISLATURE,  
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE UNIVERSITY OF TEXAS SYSTEM, BOARD OF  
REGENTS, FOR A TERM TO EXPIRE FEBRUARY 1, 1995:

Mario E. Ramirez, M.D.  
Post Office Box 188  
Roma, Texas 78584

Dr. Ramirez will be replacing Mr. Mario Yzaguirre of Brownsville whose term expired.

TO BE MEMBERS OF THE TEXAS COMMITTEE ON PURCHASES OF  
PRODUCTS AND SERVICES OF BLIND AND SEVERELY DISABLED  
PERSONS, FOR TERMS TO EXPIRE JANUARY 31, 1991:

Mr. Gibson M. DuTerroil  
919 Teetshorn  
Houston, Texas 77009

Mr. DuTerroil is being reappointed.

Mr. Ronald Wayne Arnett  
Route 3, Box 225  
Georgetown, Texas 78626

Mr. Arnett is being reappointed.

Mr. John M. Turner  
6009 Hillcrest Avenue  
Dallas, Texas 75205

Mr. Turner is being reappointed.

Ms. Marilyn Patricia Abercrombie  
Route 7, Box 517, Pine Acres  
Conroe, Texas 77384

Ms. Abercrombie is being reappointed.

TO BE MEMBERS OF THE ANTIQUITIES COMMITTEE, FOR TERMS TO  
EXPIRE JANUARY 31, 1991:

Ms. Anne E. Fox  
106 Fawn Drive  
San Antonio, Texas 78231

Ms. Fox is being reappointed.

Mr. Kenneth D. Perry  
705 East Avenue B  
Alpine, Texas 79830

Mr. Perry is being reappointed.

TO BE MEMBERS OF THE LONG-TERM CARE COORDINATING  
COUNCIL FOR THE ELDERLY, FOR TERMS TO EXPIRE JANUARY 31,  
1991:

Ms. Elenor F. Holmes  
Box 751  
Groesbeck, Texas 76642

Ms. Holmes is being reappointed.

Ms. Charlcie White Thompson  
P.O. Drawer 866  
Buffalo, Texas 75831

Ms. Thompson is being reappointed.

Ms. Ernestine H. Bridges  
2202 Schirra Way  
Mesquite, Texas 75150

Ms. Bridges is being reappointed.

TO BE MEMBERS OF THE INTERAGENCY COUNCIL ON AUTISM AND  
PERVASIVE DEVELOPMENTAL DISORDERS, FOR TERMS TO EXPIRE  
FEBRUARY 1, 1991:

Ms. Jan Lynn Newsom  
6040 Preston Haven  
Dallas, Texas 75230

Ms. Newsom is being reappointed.

Dr. Ben Harold Moore, Jr.  
13322 Cassia Way  
San Antonio, Texas 78232

Dr. Moore is being reappointed.

TO BE MEMBERS OF THE STATE HISTORICAL COMMISSION, FOR  
TERMS TO EXPIRE FEBRUARY 1, 1995:

Dr. Brian Babin  
705 Tucker  
Woodville, Texas 75979

Dr. Babin is replacing Martha Gay Ratliff of Austin whose term expired.

Ms. Jean Welhausen Kaspar  
1020 Avenue C  
Shiner, Texas 77984

Ms. Kaspar is replacing Evangeline L. Whorton of Galveston whose term expired.

TO BE MEMBERS OF THE NUECES RIVER AUTHORITY, BOARD OF  
DIRECTORS, FOR TERMS TO EXPIRE FEBRUARY 1, 1995:

Mr. Jay T. Kimbrough  
P. O. Drawer 520  
Beeville, Texas 78104

Mr. Kimbrough is being reappointed.

Mr. Daniel Shaw Ouellette  
16 Windsor Drive  
Beeville, Texas 78102

Mr. Ouellette is being reappointed.

TO BE A MEMBER OF THE STATE BOARD OF CANVASSERS, FOR A  
TERM TO EXPIRE FEBRUARY 1, 1991:

Ms. Jacquelin Bullard Allen  
2206 Clarinda  
Wichita Falls, Texas 76308

Ms. Allen will be replacing Earl (Lee) Leroy Yeakel of Austin whose term expired.

TO BE A MEMBER OF THE TEXAS DEPARTMENT OF COMMERCE,  
BOARD OF DIRECTORS, FOR A TERM TO EXPIRE FEBRUARY 1, 1995:

Mr. James R. Lesch  
12210 Broken Bough  
Houston, Texas 77024

Mr. Lesch is being reappointed.

TO BE A MEMBER OF THE TEXAS DIABETES COUNCIL, FOR A TERM TO  
EXPIRE FEBRUARY 1, 1991:



Mr. Robert Steven Davidson  
3101 Stanolind  
Midland, Texas 79705

Mr. Davidson is being reappointed.

TO BE JUDGE OF THE TARRANT COUNTY COURT AT LAW #1, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

R. Brent Keis  
3821 Harlanwood  
Fort Worth, Texas 76109

Mr. Keis will be replacing Judge William Brigham of Fort Worth who resigned.

TO BE A MEMBER OF THE STATE PROPERTY TAX BOARD, FOR A TERM TO EXPIRE MARCH 1, 1995, effective March 1, 1989:

Arthur C. White  
4542 Rheims Place  
Dallas, Texas 75205

Mr. White will be replacing Nicholas V. Lampson of Beaumont whose term expired.

TO BE A MEMBER OF THE STATE PRESERVATION BOARD, FOR A TERM TO EXPIRE FEBRUARY 1, 1991:

Ms. Dealey Herndon  
2903 Tarry Trail  
Austin, Texas 78701

Ms. Herndon is being reappointed.

TO BE A MEMBER OF THE TEXAS GUARANTEED STUDENT LOAN CORPORATION, FOR A TERM TO EXPIRE JANUARY 31, 1995:

Mr. Gary W. Bruner  
608 Crown Colony  
Arlington, Texas 76006

Mr. Bruner is replacing William Henry Schroeder, Jr., of Lockhart whose term expired.

TO BE A MEMBER OF THE MUNICIPAL RETIREMENT SYSTEM, BOARD OF TRUSTEES, FOR A TERM TO EXPIRE FEBRUARY 1, 1995:

Ms. Rita Harmon  
4416 80th Street  
Lubbock, Texas 79424

Ms. Harmon is being reappointed.

TO BE A MEMBER OF THE TEXAS HOUSING AGENCY, BOARD OF DIRECTORS, FOR A TERM TO EXPIRE JANUARY 31, 1995:

Margie Lee Bingham  
6927 Chasewood  
Missouri City, Texas 77489

Ms. Bingham will be replacing Melva Bicnel of Houston whose term expired.

TO BE A MEMBER OF THE COUNCIL ON DISABILITIES, FOR A TERM TO EXPIRE JANUARY 31, 1991:

Ms. Martha Wynne  
6542 Northwood  
Dallas, Texas 75225

Ms. Wynne is being reappointed.

TO BE A MEMBER OF THE TEXAS BOARD OF CORRECTIONS, FOR A TERM TO EXPIRE FEBRUARY 15, 1995, effective February 15, 1989:

Mamie Moore Proctor  
4311 Wuthering Heights  
Houston, Texas 77045

Mrs. Proctor will be replacing Joseph V. LaMantia of Weslaco whose term expired.

TO BE A MEMBER OF THE GOVERNING BOARD OF THE TEXAS SCHOOL  
FOR THE DEAF, FOR A TERM TO EXPIRE JANUARY 31, 1995:

Irene Elizabeth Davila Jones  
3541 Walton  
Fort Worth, Texas 76133

Mrs. Jones will be replacing Ernest R. Fuentes of Austin who resigned.

TO BE A MEMBER OF THE RIO GRANDE VALLEY POLLUTION  
CONTROL AUTHORITY, BOARD OF DIRECTORS, FOR A TERM TO  
EXPIRE APRIL 30, 1989:

Adolph Tijerina  
3532 Queensway Drive  
Brownsville, Texas 78521

Mr. Tijerina will be replacing Glynn Morgan of Edinburg whose term expired.

TO BE A MEMBER OF THE STEPHEN F. AUSTIN STATE UNIVERSITY,  
BOARD OF REGENTS, FOR A TERM TO EXPIRE JANUARY 31, 1995:

Mr. Larry Jay Christopher  
#16 Spring Creek  
Crockett, Texas 75835

Mr. Christopher is replacing Willia B. Murphy of Crockett whose term expired.

TO BE A MEMBER OF THE TEXAS AERONAUTICS COMMISSION, FOR A  
TERM TO EXPIRE FEBRUARY 1, 1995:

Mr. Oliver Kendall Kelley  
2816 S. Hughes  
Amarillo, Texas 79109

Mr. Kelley is replacing Mel Phillips of Amarillo.

TO BE A MEMBER OF THE ON-SITE WASTEWATER TREATMENT  
RESEARCH COUNCIL, FOR A TERM TO EXPIRE SEPTEMBER 1, 1990:

Willis Leo Wood  
1603 Hutto Road  
Georgetown, Texas 78626

Mr. Wood is being reappointed.

Respectfully submitted,

/s/W. P. Clements, Jr.  
William P. Clements, Jr.  
Governor of Texas

#### SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

On motion of Senator Edwards and by unanimous consent, Senate Rule 14.02 was suspended in order to consider for confirmation those nominees reported today by the Committee on Nominations.

Senator Edwards moved confirmation of the nominees reported today by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

**NOMINEES CONFIRMED**

The following nominees were confirmed by the following vote: Yeas 28, Nays 0.

Absent: Santiesteban, Truan.

Absent-excused: Dickson.

Members, Texas Board of Human Services: MAURICE LEE BARKSDALE, Tarrant County; DAVID HERNDON, Travis County; GLENN McMENNAMY, Potter County; MRS. IDA KERN PAPERT, Dallas County.

Members, Texas National Research Laboratory Commission: PERRY R. BASS, Tarrant County; JACK W. EVANS, Dallas County; PETER O'DONNELL, JR., Dallas County.

Member, Air Conditioning and Refrigeration Contractors Advisory Board: GEORGE WILLIAM CARPENTER, Lubbock County.

Members, Texas Commission on the Arts: MS. ALICE CARRINGTON, Bexar County; ROBERT LIVINGSTON GERRY, Harris County; MRS. MARY ELLEN MITCHELL JERICO, Dallas County; ROLLIN KHOURY, McLennan County; MRS. ADAIR WAKEFIELD MARGO, El Paso County; MRS. MARTHA WILLIAMS MORRIS, Bowie County; MRS. FRANCES ANNETTE STRAKE, Harris County.

Members, State Board of Barber Examiners: WILLIAM EARL MADDOX, Travis County; MRS. SANTA ROBLES MORALES, Cameron County.

Branch Pilot, Port Aransas Bar, Corpus Christi Bay and Tributaries: CAPTAIN ROBERT HANS JORGENSEN, Nueces County.

Branch Pilots, Sabine Bar, Pass and Tributaries: CAPTAIN JERRY J. McNEIL, Orange County; CAPTAIN PHILLIP C. SMITH, Jefferson County.

Members, Texas Cosmetology Commission: MS. LOIS MIRIAM COHEN, Palo Pinto County; MS. EVELYN AILEEN HUNTER, Dallas County.

Members, Dairy Advisory Board: BEN HARVEY LONG, JR., Parker County; HARVEY LEE RICHARDS, Cameron County.

Members, Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids: MRS. FLORENCE PRINGLE ANDERSON, Bexar County; MRS. SUZANNE ELIZABETH BRENNAN, Harris County; ANDREW LOUIS BURNS, JR., Bowie County; WALLACE HAMILL, Dallas County; DR. RICHARD L. RIESS, Brazos County.

Members, Texas Board of Irrigators: COL. FREDERICK T. ABT, Bexar County; WILLIAM EDWARD PETTY, SR., Smith County; DANIEL J. ROMO, Webb County.

Judge of the 290th Judicial District Court, Bexar County: JUDGE SHARON S. MacRAE, Bexar County.

Nonresident Violator Compact Administrator: CALVIN MICHAEL ANDERSON, Travis County.

Members, Texas State Board of Plumbing Examiners: GERALD LESLIE HARRIS, Fort Bend County; ALLISON RUTHERFORD SMITH, Kerr County; WILLIAM GEOFFREY WHEELER, Victoria County.

Members, State Seed and Plant Board: KENNETH BOATWRIGHT, Lee County; GARY T. IVEY, Crosby County; DR. DAVID EDWARD KOEPPE,

Lubbock County; EDWARD C. A. RUNGE, Brazos County; KENEAL SWENSON, JR., Lubbock County; BENITO TREVINO, JR., Starr County.

#### **SENATE BILL 48 ON SECOND READING**

On motion of Senator McFarland and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 48.** Relating to the filing of a complaint in municipal court.

The bill was read second time and was passed to engrossment viva voce vote.

#### **SENATE BILL 48 ON THIRD READING**

Senator McFarland moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 48** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent: Santiesteban, Truan.

Absent-excused: Dickson.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent: Santiesteban, Truan.

Absent-excused: Dickson.

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 130 ON SECOND READING**

On motion of Senator McFarland and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 130.** Relating to photographic evidence in theft cases.

The bill was read second time and was passed to engrossment viva voce vote.

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 130 ON THIRD READING**

Senator McFarland moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 130** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent: Santiesteban, Truan.

Absent-excused: Dickson.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent: Santiesteban, Truan.

Absent-excused: Dickson.

#### **SENATE BILL 211 ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 211**, Relating to an indictment for aggravated perjury committed before a grand jury.

The bill was read second time and was passed to engrossment viva voce vote.

#### **SENATE BILL 211 ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 211** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent: Santiesteban.

Absent-excused: Dickson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent: Santiesteban.

Absent-excused: Dickson.

#### **COMMITTEE SUBSTITUTE SENATE BILL 26 ON SECOND READING**

On motion of Senator Washington and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 26**, Relating to the expunction of arrest records.

The bill was read second time and was passed to engrossment viva voce vote.

#### **SENATE BILL 194 ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 194**, Relating to employee benefits for certain employees of the Texas Department of Human Services.

The bill was read second time and was passed to engrossment viva voce vote.

**SENATE BILL 194 ON THIRD READING**

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 194** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent: Santiesteban.

Absent-excused: Dickson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays, 0.

Absent: Santiesteban.

Absent-excused: Dickson.

**CONGRATULATORY RESOLUTIONS**

**H.C.R. 32** - (Caperton): Inviting Chief Justice Phillips to address a joint session.

**H.C.R. 65** - (Barrientos): Declaring February 14, 1989, as Public Health Day in Texas.

**H.C.R. 75** - (Ratliff): Proclaiming February 14 and 15, 1989, as Marshall Days in Texas.

**S.R. 100** - By Tejeda: Extending congratulations to the Fifth Annual San Antonio School District Black History Month Fine Arts Festival.

**S.R. 101** - By Edwards: Extending congratulations to Mr. and Mrs. Dave Trammell of Athens on their 50th wedding anniversary.

**S.R. 102** - By Edwards: Extending congratulations to Mr. and Mrs. G. B. Clifton of Waco on their 50th wedding anniversary.

**S.R. 103** - By Edwards: Extending congratulations to Mr. and Mrs. Reinhard Denke on their 50th wedding anniversary.

**S.R. 104** - By Edwards: Extending congratulations to Mr. and Mrs. Lenial Provence of Bellmead on their 50th wedding anniversary.

**S.R. 105** - By Edwards: Extending congratulations to Mr. and Mrs. Eugene Gay of Waco on their 50th wedding anniversary.

**S.R. 106** - By Edwards: Extending congratulations to the Trinity Valley Community College Cardinal cheerleaders on their Division II National Championship.

**S.R. 107** - By Truan: Extending congratulations to Ralph Galvan, Jr., on his retirement as area manager of the Texas Vocational Rehabilitation Center in Corpus Christi.

**S.R. 108** - By Edwards: Extending congratulations to Duncanville High School Concert Band.

**ADJOURNMENT**

On motion of Senator Brooks, the Senate at 11:39 a.m. adjourned until 11:00 a.m. Monday, February 13, 1989.

**APPENDIX**

Sent to Governor  
(February 9, 1989)

**S.C.R. 7**

**S.C.R. 19**

**S.C.R. 27**

**S.C.R. 28**

**TWELFTH DAY**

(Monday, February 13, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Dr. Browning Ware, First Baptist Church, Austin, Texas, offered the invocation as follows:

Eternal God, Lord of each of us, we ask You very often to sponsor and support our desires. Today, we seek the wisdom and courage to support Your will for our world. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 9, 1989, was dispensed with and the Journal was approved.

**RESOLUTION SIGNED**

The President announced the signing in the presence of the Senate the following enrolled resolution:

**S.C.R. 34**

**REPORTS OF STANDING COMMITTEES**

Senator McFarland submitted the following report for the Committee on Criminal Justice:

**S.B. 72**

Senator Harris submitted the following report for the Committee on Economic Development:

**S.B. 160**

**C.S.S.B. 201**

**C.S.S.B. 334**